

REMARKS

This Response is submitted in reply to the Office Action mailed on September 20, 2005. Claims 17-20 and 23-29 are pending in the patent application. Claims 17, 20, 24, 26 and 27 have been amended. Claim 25 has been canceled without prejudice or disclaimer. A Request for a one-month extension of time is submitted with this response. No new matter has been added by this response.

Claims 17-20 and 23-26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended these claims to remove the § 112 issues.

Claims 27-28 were rejected 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 4,254,824 to Springer (“*Springer*”). Applicants respectfully submit that *Springer* does not disclose, teach or suggest the subject matter of claims 27 and 28, as amended herein, for the following reasons.

Claim 27, as amended, is directed to a method of providing a tool at a job site where the method includes providing a tool cabinet for securing a tool and a locker suspended from and connected to the tool cabinet. The locker includes an interior space, an open bottom to facilitate movement of an object into and out of the interior space and an opening providing access to the interior space. The method includes associating a tool with the object and moving the object into and out of the interior space.

In contrast, *Springer* is directed to a food preparation apparatus including a floor environmental control unit (FECU) 26 and a transport command unit (TCU) 33 which includes controls for controlling the temperature of the FECU 26. The FECU is a permanently stationed unit kept on a floor of a hospital, factory or other similar facility. (Col. 2, lines 18-25). A food-

beverage transporter (FBT) 9 is moved into and out of the FECU 26 to heat or cool the food stored in the FBT 9. The FECU 26 is not suspended from the TCU 33 nor is the TCU 33 suspended from the FECU 26. Furthermore, such a construction is not contemplated nor suggested by *Springer*.

Additionally, the cabinet of claim 27 is a tool cabinet for storing and securing one or more tools. A tool is associated with the object and the object is moved into and out of the interior space of the locker to use the tool at a job site. The locker helps to secure the tool and the object so that the tool does not have to be placed back in the tool cabinet for storage which takes significant time. *Springer* does not disclose, teach or suggest a tool cabinet or storing any type of tools on an object which is movable into and out of a locker suspended from a tool cabinet. Accordingly, *Springer* does not disclose, teach or suggest the subject matter of claim 27.

For at least these reasons, amended claim 27 and claim 28, which depends from claim 27, are each patentably distinguished over *Springer* and in condition for allowance.

Claims 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 542,341 to Little ("*Little*"). Applicants respectfully submit that *Little* does not disclose, teach or suggest the subject matter of the claims 27 and 28, as amended, for the following reasons.

Little is directed to a kitchen cabinet having an upper half A and a lower half B. Therefore, both halves A and B form the cabinet and neither are suspended from the other as in the claimed invention. Furthermore, the Patent Office states that it would have been obvious to substitute a tool or tool cabinet with the cabinet in *Little* to achieve the claimed invention. Applicants respectfully disagree.

Little is specifically directed to a kitchen cabinet where the movable portion of the cabinet C is flour bin. The flour bin C is moved from the cabinet to be filled with flour and then moved back under the cabinet for use during food preparation. Therefore, the kitchen cabinet disclosed by *Little* and specifically the movable portion of the cabinet C is not used to store tools nor is there any teaching or suggestion in *Little* to use the movable portion C of the cabinet for such a purpose.

Accordingly, Applicants submit that amended claim 27 and claim 28 which depends from amended claim 27 are each patentably distinguished over *Little* and in condition for allowance.

Claims 17-20, 23-24 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Little* in view of U.S. patent no. 5,245,801 to Boesvert ("*Boesvert*"). Applicants respectfully submit that the combination of *Little* and *Boesvert* does not disclose, teach or suggest the subject matter of the claimed invention for the following reasons.

Amended claim 17 is directed to a method of securing tools removed from a lockable cabinet and placed on a rolling cart without removing the tools from the cart. The method includes providing on the outside of the an open-bottom locker with a side-access doorway closeable by a lockable door. The method includes opening the door, rolling the cart with the tools thereon into the locker through the doorway and closing and locking the door. This enables the tools and cart to be secured without having to place the tools back in the cabinet.

As stated above, *Little* is directed to a kitchen cabinet having a movable bin C which is rolled underneath door E and secured to the cabinet using fastening rods 2 and knob 3 (lines 30-50). The Patent Office relies on *Boesvert* to provide a lockable door for securing the movable bin C in the cabinet in *Little*. Applicants respectfully submit that a person of ordinary skill in the art would not be motivated to combine *Little* with *Boesvert* where *Little* already discloses or

teaches a method of securing the bin C to the cabinet using fastening rods 2 and knob 3. Providing such a door on the cabinet of *Little* would make accessing the flour bin C more difficult and time consuming. Furthermore, *Little* does not disclose, teach or suggest providing any type of door to close the opening defined by the lower half B.

Accordingly, Applicants respectfully submit that the combination of *Little* and *Boesvert* does not disclose, teach or suggest the claimed invention. Thus, amended claim 17 and amended claim 27, as well as claims 18, 23-24 and 29, which depend from these claims are each patentably distinguished over the combination of *Little* and *Boesvert* and in condition for allowance.

Claims 17-18, 23-24 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Springer* in view of *Boesvert*. Applicants respectfully submit that the combination of *Springer* and *Boesvert* does not disclose or suggest the subject matter of the claimed invention for the following reasons.

As described above, *Springer* is directed to a food preparation apparatus including an FECU 26 and a TCU 33 for controlling the temperature of the FECU 26. A FBT 9 is rolled into and out of the FECU 26. The FBT 9 includes one or more trays of food which are prepared and stored in the FBT 9. *Springer* does not disclose, teach or suggest providing a lockable door or doors on the FECU to secure the FBT 9 in the FECU. The Patent Office therefore relies on *Boesvert* to provide this element. Applicants respectfully submits that a person of ordinary skill in the art would not be motivated to combine *Springer* and *Boesvert* to achieve the claimed invention.

The FBT 9 is rolled into and out of the FECU 26 to enable the user to quickly and easily move the FBT from floor to floor and secured in the FECU to regulate the temperature of the

food stored in the FBT 9. If the FECU 26 included a door and, in particular, a lockable door, the user would need a key or code to open each of the FECU's. If the key or code was not available or forgotten by the user, there would be a delay in securing the FBT 9 in the FECU to regulate the food temperature of the food stored in the FBT 9. This could lead to the food potentially spoiling or having undesirable characteristics such as being too cold or too hot. Furthermore, the FBT 9 includes doors 80 which secure access to the food stored in the FBT 9. Having additional doors on the FECU 26 would complicate to the access to the in the FBT 9 by causing a user to have to open multiple doors to access the food in the FBT's. Applicants submit that it is actually more likely that a lock or locks would be included on the doors 80 of the FBT to secure access to the FBT itself instead of on the FECU.

For at least these reasons, Applicants respectfully submit that the combination of *Springer* and *Boesvert* does not disclose, teach or suggest the subject matter of amended claims 17 and 27 and dependent claims 18, 23-24 and 29. Therefore, amended claims 17 and 27 and dependent claims 18, 23-24 and 29 are each patentably distinguished over the combination of *Springer* and *Boesvert* and in condition for allowance.

Claim 25 was indicated as being allowable if rewritten to overcome the § 112 rejections and to include all of the limitations of the base claim and any intervening claims. Applicants have added new claim 30 which is an independent form of claim 25, including the elements of amended claim 17, dependent claim 23 and dependent claim 25. Applicants have also incorporated the changes to claim 25 necessary to overcome the § 112 rejections. Accordingly, claim 25 has been canceled.

Claim 26 was indicated as being allowable if rewritten or amended to overcome the § 112 rejections. Applicants have amended claim 26 to overcome the § 112 rejections and respectfully submit that claim 26 is in condition for allowance.

In light of the above, Applicants submit that claims 17-20, 23-29 and new claim 30 are patentable and non-obvious over the art of record because the cited art does not disclose, teach or suggest the subject matter of these claims. Accordingly, Applicants request that claims 17-20, 23-29 and new claim 30 be deemed allowable at this time and any timely notice of allowance be issued in this case.

A check in the amount of \$320 is submitted herewith to cover the fee for the one-month extension of time and extra claim fee. If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (25493-451590) on the account statement.

Respectfully submitted,

By



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